

10/19/01

U. S. BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ABINGDON CALENDAR - OCTOBER 23, 2001

(The Honorable William F. Stone Jr. Presiding)

(Start _____ Recess _____ / _____ Stop _____ Trials: _____ Proceedings _____)

Attys:

Debtors:

Case Nos.:

Trustees:

9:30 A. M. -PRE-TRIALS & PRELIMINARY HEARINGS

Largen	ROBERT TODD JR.-ch7 Motion #2: Relief – filed 9/20; d/e # 14, 15 Citizens Auto Finance (C.Fogleman) v debtor & trustee <i>--new trustee appointed; contd fr 10/9 movant will tender order consenting to §341 stay contg to new hrg date</i> <u>Agreed order resolving Motion tendered.</u>	7-01-03435	Wick/MC
Carroll	GERALDINE STREET-ch7 A/P 7-01-00109: Recover money or property William E. Callahan Jr. Trustee (Callahan) v. debtor (Carroll) and Clinton Street() And Brenda Street () OTBT by Bill Callahan resolving this A/P. A/P 7-01-00058: Det. Dischargeability; contd from 7/10 & 8/28 Debtors v Sears(); Chase Manhattan Bank USA NA (); World Financial Network National Bank () & MBNA America Bank ()	7-00-01647	Callahan/JM

10:00 A. M. - MISCELLANEOUS HEARINGS

Lamie	CAROLYN JANSON-ch7 A/P 7-01-00088: Showcause; failure of counsel,D.Harmon, to tender order as directed at 8/28 pre-trial conf, contg hrg to 11/8 @ 9:30 First Community Bank fka Blue Ridge Bank (Harmon) v debtor (Order submitted by Harmon and entered 9/27) – d/e #8	7-01-01308	Callahan/SO
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Lamie	MICHAEL & BETTY MILLER-ch7 Obj to Claim #6: Miners & Merchants Bank filed 8/24; d/e # 94	7-99-03183	Wick/PR
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Obj to Claim #14: Wayne E aYoung, filed 8/24; d/e # 95

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10:00 A. M. - MISCELLANEOUS HEARINGS

Martin THELMER & SHARON WALLACE-ch7 7-99-02070 Wick/NS
 Motion of Trustee for Fees \$2,338.54 and \$396.60 expenses, filed 9/4; d/e # 71

Farthing LOIS LILLY - Ch. 7 7-01-03281 Wick/VS
 Debtor's Motion to Dismiss Case – d/e #13

Carmody PRESTON & GLORIA CANADY-ch7 7-01-02674 Callahan/NS
 Motion #1: Avoid lien - filed D/e # 14.,16
 Debtors v. Citifinancial c/o Mike Knapp, President

 Motion #2 Avoid lien - D/e # 15, 17
 Debtors v. Beneficial Finance c/o Commonwealth Legal Serv. Corp, Registered Agt

Large ROGER LARGE- reop 6/22/01 d/e #68 7-95-03348 Money/
 Debtor Motion to compel Peoples Bank & Trust Co of Hazard (NEAL KEESEE) to be
 held in contempt of court and be ordered to immediately divide stock
 and remove debtor's name from remaining stock certificate d/e # 64, filed 6/18
 –Contd fr 7/24 & 9/25to add corporation as party

Copeland MICHAEL & JUDY HOFFMEISTER-ch7 7-01-01546 Callahan/JJ
 Motion to Reopen Case and Waive Fee filed 9/10; d/e # 26

 Motion for contempt: Verizon Communications Inc ();
 Collectech Systems Inc () and
 MCP Financial Systems Inc
 –Response filed 10/18 by NCO Financial Systems, Inc. (Derryberry) d/e #28

Abingdon Calendar - 10/23/01

10:00 A. M. - MISCELLANEOUS HEARINGS

Wick	MOE AND COMPANY, INC. - Ch. 7 Motion #1: Relief – d/e #22 Associates Commercial Corp. (Fleischhauer) <u>–Default Order entered 10/12, hearing cancelled</u>	7-01-02029	Callahan/SJ
Copeland	DONNA MELVIN - Ch. 7 Debtor’s Motion for Order Authorizing and Directing Creditor to Furnish and Directing Utility Supplier to Continue Services – d/e #14	7-01-03347	Wick/NS
Carmody	MARSHA CHILDRESS-ch7 Motion #2: Relief Conseco Finance Servicing Corp fka GreenTree Financial (Chappell) v. debtor & trustee <u>Agreed Order tendered</u>	7-01-03410	Wick/VS
Farthing	ROGER WAGNER, JR. - Ch. 7 Motion #1: Relief – d/e #10 Bank One, NA (Neyhart) v. Debtor & Trustee <u>Agreed Order tendered</u>	7-01-03427	Callahan/NS
Largen	NICKY BARKER - Ch. 7 Motion #1: Avoid lien – d/e #14 Debtor v. Citifinancial, Inc. ()	7-01-02798	Wick/AF
Carroll	TAMMY BREEDING - Ch. 7 Motion #1: Avoid lien – d/e #10 Debtor v. Citifinancial () <u>–Default Order entered 10/12, hearing cancelled</u>	7-01-03632	Callahan/SJ
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10:00 A. M. - MISCELLANEOUS HEARINGS

Carroll	ROGER & SANDRA HESS - Ch. 7	7-01-02358	Wick/AF
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Debtors' Motion to Re-Open Case & Waive Reopening Fee – d/e #15

Via CHARLES GOFF - Ch. 7 7-01-03240 Wick/LM
Motion #2: Relief – d/e # ____
First Union Mortgage Corp. (Goldstein) v. Debtor & Trustee
–Agreed **ORDER of 10/12 granted relief, cancels hearing**

Large MATTHEW & JUANITA GIBSON - Ch. 7 7-01-02976 Wick/JJ
Motion #1: Relief – d/e # 13, 14
Ford Motor Credit Co. (Laura Hale)v. Debtors & Trustee
–movant certif filed 10/5; d/e # 15
Default Order tendered

Copeland TERRY'S INC-ch7 7-98-00781 Wick/VS
Obj to Claim #4: Tri-State Analytical Lab_d/e # 195 **and**
Obj to Claim #45: Tri-State Analytical Lab; d/e E 208
RESPONSE filed by Tri-Stave Analytical Laboratory (Young) – d/e #225

Obj to Claim #6: Bryant Label, d/e # 196

Obj to Claim #8: Clyde Grindstaff, d/e # 197

Obj to Claim #24; Blue Ridge Paclease d/e # 198

Obj to Claim # 30: C & T Quincy Foods, d/e # 199

Obj to Claim #32: Heritage National Health Plan/ d/e # 200

see continuation of Obj to Claims in Terry's Inc case on next page

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10:00 A. M. - MISCELLANEOUS HEARINGS

Copeland TERRY'S INC-ch7 7-98-00781 Wick/VS
continuation of Obj to Claims from previous page
Obj to Claim #37: United Cities Gas, d/e # 201

Supply

Obj to Claim #39, Industrial Gas & Supply; d/e # 202
Trustee's letter rec'd 9/21 indicating inability to make service on Industrial Gas &
– d/e #223

Obj to Claim #40: CP Converters, d/e # 203

Obj to Claim #41: Pretzels, d/e # 204
Response filed by Wesley Steury, Esq on 10/4; d/e #226
Notice of Withdrawal of Response filed by Pretzels (Steury) filed on 10/16 – d/e #229

Obj to Claim #42: Inland Paperboard Packaging, d/e # 205

Obj to Claim #43: Illinois Cereal Means; d/e # 206

Obj to Claim #44: Edlong Corp; d/e # 207

Obj to Claim #46: Tricon Colors; d/e # 209

Obj to Claim #50: Van Water & Rogers, d/e # 210

Obj to Claim #52: Packaging Corp of America: d/e # 211
LETTER filed by Packaging Credit Co. in Response to the Objection – d/e #224

Obj to Claim #54: Bob's Truck & Car Repair, d/e # 212

Obj to Claim #57: A-1 Auto Parts, d/e # 213

Obj to Claim #59: Constance T. Bundy; d/e # 214

Obj to Claim #60: Kenneth E. Stevens; d/e # 215
Response filed by Kenneth E. Stevens on 10/4; d/e # 227

Obj to Claim #61: Estate of Carolyn T. Stevens; d/e # 216
Response filed by Kenneth E. Stevens on 10/4; d/e # 228

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10:00 A. M. - MISCELLANEOUS HEARINGS

Copeland

TERRY'S INC-ch7

7-98-00781

Wick/VS

continuation of Obj to Claims from previous page

Obj to Claim #62: USDA, Rural Development, d/e # 217

Obj to Claim #62: Va. Employment Commission: d/e # 218

Obj to Claim 364: Dubois Chemicals; d/e # 219

Hutchinson	JOHN & RHONDA NUNLEY-ch7 Motion of Trustee to Dismiss case filed 9/25; d/e # 48 <u>Order tendered by Trustee to Dismiss Motion</u>	7-01-01382	Wick/SJ
H Brown	SHARON & TIMOTHY GALLIMORE-ch7 Motion #1: Relief - filed 10/3; Bank One of WV, NA (Neyhart) v. debtors & trustee <u>Agreed Order tendered</u>	7-01-03894	Wick/S
Farthing	GEORGE & TRACY BURNS-ch7 Motion #1: Relief - filed 9/18; d/e # 10, 12; set in BSG 10/10 in error; renoticed Bank One NA (Neyhart) v. debtors & trustee –amended mot/notice filed w/ord contg stay to 10/23	7-01-03428	Callahan/AF
C Jessee	DESKINS DRYGOODS CO-ch7 Motion of Sarver Candy Co (Hunnicuttt) that remaining claim in amt of \$59,066.73 of Claim #15 (\$68,566.92) filed in Deskins Dry Goods Case be noted as timely filed in the case of Deskins Supermarket Case #99-3384 d/e # 121, filed 10/1 & 10/4 notice #122 Objection: Fleming Companies Inc (E.McDonald) to filing late proof of claim filed 10/12, d/e # 124	7-99-03385	Callahan/MC
C Jessee	DESKINS SUPERMARKET INC-ch7 Motion of Sarver Candy Co (Hunnicuttt) to treat \$59,066.73 balance of claim in Deskins Dry Goods as timely filed in this case filed 10/1; d/e # 250 & 10/4 ntc, d/e # 251 Objection: Fleming Companies, Inc. (McDonald) – d/e #258	7-99-03384	Callahan/AF

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11:00 A. M. - MISCELLANEOUS HEARINGS

Copeland	BEAR RIDGE MINING INC-ch11	7-00-00708	DIP/AF
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Confirmation hearing – d/e #134, 135

Copeland BILL GREEVER, SR. - Ch. 7 7-98-00088 Wick/AF
Motion of Debtor to sell property & shorten notice requirement filed 7/12; d/e # 218
–contd fr bench 8/28 for review by trustee appointed in Chapter 7 cse (converted 8/30)

Copeland JIMMY COOPER - Ch. 11 7-99-03591 DIP/VS
Mod. Plan (4th) filed 9/10 – d/e #137, 138
Objection: First Century Bank (Black) filed 10/12, d/e # 153

Motion #4: Relief - contd from 8/15;
First Century Bank NA (Black) v. debtor; d/e # 122
Notice of Hearing on Objections, if any, to compromise

Lamie GEORGE MARSHALL JR.-chl3 7-01-02972 Widener/SJ
Motion #2: Relief - filed 10/3/01; d/e # 25, 26
Highlands Union Bank (Hutton) v. debtor & trustee

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11:00 A. M. - MISCELLANEOUS HEARINGS

Pro Se GRAYSON MOUNTAIN WATER CO. -Invol.7* 7-01-03363 Wick/PR

Motion #1: Relief – filed 9/10 ; contd to 10/23 @ 11 (*Debtor has potential sale of prop)
SouthTrust Bank, N.A. (Magee) v. Debtor & Trustee
No prehearing order—less than 20 days until hearing
-Answer filed and Objection by original petitioning creditors by counsel, Michael Hastings, Esq.
**Motion and Notice for Proposed Sale scheduled for 11/8 @ 10:00 a.m. – d/e #27, 28*

J Jessee JASON PHILLIPPI-ch7 7-01-03614 Callahan/VS
Motion #1: Relief - filed 10/4, d/e # 10; less than 20-day ntc; no pre-hearing ord entrd.
Highlands Union Bank (Hutton) v. debtor & trustee

Antenucci INDEPENDENT ENTERPRISES, INC. - Ch. 11 7-98-02622
U. S. Trustee's Motion to Reconsider Court's Order of 10/2 closing case and rescind
same – d/e #96

1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Largen ELLEN DUTTON-ch13 7-98-02817 Widener/NS
Mod Plan filed 8/3; d/e # 28, 29 ; contd from 9/25

Lamie DAVID & WANDA JACKSON-ch13 7-00-01721 Widener/VS
Mod Plan filed 8/31; d/e # 104, 105
Objections: 1) All American Distributing (Fleischhauer)
2) Trustee w/Show Cause on Dismissal or Conversion – d/e #108

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1:00 P. M. - CHAPTER 13 CONFIRMATIONS

Copeland EARL STANLEY HILLIARD-ch13 7-01-00340 Widener/LM
Mod Plan filed 9/7; d/e # 42

Objection: IRS (Eckert) filed 9/28; d/e # 48

Motion #1: Relief - ; contd from 9/25 (awaiting check to clear)
Miners & Merchants Bank (Bolling) v. debtors & trustee

Hutchinson HENRY & TERESA MULLINS-chl3 7-01-00669 Widener/JJ
Mod Plan filed 8/29, d/e # 27, 28
Objection: Trustee with report & showcause; Dismiss or convert; filed 9/19; #108

Proctor JAMES & LINDA PADGETT-chl3 7-01-02733 Widener/PR
Plan filed 6/19, d/e # 6
Objection: Firstar Equipment finance corp (Reecher) filed 9/4, d/e #19, contd from 9/12
Trustee: with showcause re dismissal; d/e # 17, contd fr 8/15 & 9/12

Motion to Assume or Reject Unexpired Lease filed by Firstar Equipment Finance
Corp. (Reecher) – d/e #20, 28

Motion for valuation on 1998 Oldsmobile Bravado – d/e #29

Largen DIANA HOWORTH-chl3 7-97-04950 Widener/MC
Post-Conf. Mod Plan, filed 8/13; d/e # 47 (signed plan filed 8/24) d/e # 49 ; #50

Rhue KENNETH & SHIRLEY ALEXANDER-chl3 7-98-04337 Widener/NS
Mod Plan filed 9/6; d/e # 41

Trustee Showcause; Dismiss/convert: Filed 8/1; d/e # 39 - contd from 8/28 to hear w/mod
plan

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1:00 P. M. - MISCELLANEOUS HEARINGS

Timoney MARTIN & THERESA GOAD-chl3 7-99-03784 Widener/AF

Copeland DENNIS & JANICE KEEN-chl3 7-97-02266 Widener/JJ
Trustee Motion to dismiss or convert (failure to make plan pmts) d/e # 48; filed 5/25
–contd fr 7/24 & 8/28 & 9/25 (7 pmts arrears)

Pro se MICHELE CROPP-chl3 7-01-03549 Widener/S
Motion of Trustee to Dismiss or Convert case filed 9/20; d/e # 13
note: conf hearing is scheduled 11/8 @ 1:00
CASE DISMISSED 10/4/01 PURSUANT TO DEFICIENCY NOTICE
- FAILURE TO FILE SCHEDS, ETC.

Carmody MORRIS & SANDRA SMITH-chl3 7-01-03668 Widener/AF
Motion of Trustee to Dismiss or Convert filed 9/20; d/e # 14
note: conf hrg is scheduled 11/8 @ 1

J Jessee DANIEL KIMBERLIN-**CHAP 12** 7-01-03250 Widener/MC
Motion of Trustee to Dismiss or Convert filed 9/20; d/e # 15
note: conf hrg is scheduled 11/8 @ 1

Motion #1: relief - filed 10/4; d/e # 17/18 ; p-h-ord issued 10/4(less than 20-day ntc)
Highlands Union Bank (Hutton) v. debtor & trustee

Carmody ROBERT & LENA WHITT 7-01-02830 Widener/PR
Motion of Trustee to convert or dismiss case

*note: conf hrg originally scheduled 10/9; orig. plan filed 9/20 with service to all
creditors, less than 20-day notice (no ntc of new conf hrg issued???)*

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1:00 P. M. - MISCELLANEOUS HEARINGS

Carmody FRED & BILLIE HOWERY-ch13 7-98-01039 Widener/PR
Motion for compensation of counsel of \$3,466.22, d/e # 126

Motion to extend chapter 13 plan by three months (from 36 to 39 months)
-d/e # 127

Carmody RICKY & TAMMY MCGLOTHLIN-ch13 7-98-03709 Widener/JM
Motion of counsel for fee to extent of \$318.50 (proposed order in file)

Carmody REX & GOLDIE SPARKS -ch7 7-97-03001 Wick/VS
Motion of Debtors to RECONVERT to Chapter 13, filed 9/19; d/e # 50

Carmody MELISSA SALYERS- 13 * 7-01-03390 Widener/
Motion of Trustee to Convert or Dismiss - filed 9/20; d/e # 15
(note: bifurcated 6/29 from 01-1245 case; - converted to Ch13 on 8/6; **conf on 11/8)*

Copeland JOHNNY KESTNER-ch13 7-01-03136 Widener/JJ
Motion for Entry of Order to Sell Real Property filed 9/20; d/e # 20

Lamie EARNEST BOLEN - Ch. 13 7-00-02339 Widener/PR
Trustee's Motion to Dismiss or Convert Case to Ch. 7 – d/e #121

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1:00 P. M. - MISCELLANEOUS HEARINGS

Carmody	DOUGLAS & KATHY COOPER - Ch. 13	7-99-00528	Widener/AF
	Trustee's Motion to Dismiss or Convert to Ch. 7 – d/e #40		

Gifford	ROBERT & MARY BREWER - Ch. 13	7-00-03244	Widener/SO
	Trustee's Motion to Dismiss or Convert to Ch. 7 – d/e #32		

Motion #1: Relief; contd from 9/25
First Va. Mortgage Company (*Chappel/ESPOSITO) v. Debtors & Trustee – d/e #28

Copeland	BRIAN KEITH MITCHELL-ch13	7-01-03831	Widener/VS
	Motion of Debtor to Approve Insurance Settlement, filed 10/4; d/e #18		
	OBJECTION filed by CitiCapital Commercial f/k/a Associates Commercial (Friedberg)		
	d/e #20		
	Amended Motion filed on 10/16 by Debtor to Approve Insurance Settlement & Use Cash		
	Collateral – d/e #19		

Proctor	JAMES & LINDA PADGETT-CH13	7-01-02733	Widener/PR
	Motion for Valuation re: 1998 Oldsmobile Bravado - \$18,726.81		

2:00 P. M. - MISCELLANEOUS HEARINGS

Graham	MARIE MORRIS-ch13	7-97-04967	Widener/NS
	Motion of Trustee to Convert/dismiss filed 10/5; d/e # 25		

Lamie	DAVID & WANDA JACKSON-ch13	7-00-01721	Widener/VS
	Motion of All American Distributing (Fleischhauer) for allowance of and payment of		
	an administrative expense of \$3,562.01 plus interest at 9% from 12/22/00 and collection		
	costs of \$1,068.60 filed 10/2; d/e # 109		

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3:00 P. M. - TRIAL

Lamie	KAREN CRISP-ch7	7-01-02797	Wick/ LM
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A/P 7-01-00083: Det dischargeability
Debtor v. Appalachian School of Law (Carlene Elswick)
Order to be tendered by Lamie resolving A/P